

FIFTIETH DAY**MORNING SESSION**

Senate Chamber, Olympia, Monday, March 2, 2015

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Ericksen.

The Sergeant at Arms Color Guard consisting of Pages Haley McRae and Henry Moore, presented the Colors. Senator Angel offered the prayer.

Samuel Toompas and Sam Maxfield let the Senate in the Pledge of Allegiance.

REMARKS BY THE PRESIDENT

President Owen: "Would you two gentlemen stand up. I want to show you something. These are just absolutely outstanding scouts. To show you why I say that, not only for the great job they did but would you turn around and show them the badges you have both earned. Is that incredible or what!"

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

At 10:08 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:28 a.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

**THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS****MOTION**

Senator Dammeier moved that Dolorita K. Reandeu, Gubernatorial Appointment No. 9144, be confirmed as a member of the Board of Trustees for the Center of Childhood Deafness and Hearing Loss.

Senator Dammeier spoke in favor of the motion.

APPOINTMENT OF DOLORITA K. REANDEAU

The President declared the question before the Senate to be the confirmation of Dolorita K. Reandeu, Gubernatorial Appointment No. 9144, as a member of the Board of Trustees for the Center of Childhood Deafness and Hearing Loss.

The Secretary called the roll on the confirmation of Dolorita K. Reandeu, Gubernatorial Appointment No. 9144, as a member of the Board of Trustees for the Center of Childhood Deafness

and Hearing Loss and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Absent: Senator Ericksen

Dolorita K. Reandeu, Gubernatorial Appointment No. 9144, having received the constitutional majority was declared confirmed as a member of the Board of Trustees for the Center of Childhood Deafness and Hearing Loss.

**THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS****MOTION**

Senator Braun moved that Doris Wood, Gubernatorial Appointment No. 9194, be confirmed as a member of the Board of Trustees, Centralia Community College District No. 12.

Senator Braun spoke in favor of the motion.

APPOINTMENT OF DORIS WOOD

The President declared the question before the Senate to be the confirmation of Doris Wood, Gubernatorial Appointment No. 9194, as a member of the Board of Trustees, Centralia Community College District No. 12.

The Secretary called the roll on the confirmation of Doris Wood, Gubernatorial Appointment No. 9194, as a member of the Board of Trustees, Centralia Community College District No. 12 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Doris Wood, Gubernatorial Appointment No. 9194, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Centralia Community College District No. 12.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5987, by Senate Committee on Transportation (originally sponsored by Senators King, Hobbs, Fain, Lias and Litzow)

Concerning transportation revenue.

The measure was read the second time.

RULING BY THE PRESIDENT

President Owen: “In ruling upon the point of order raised by Senator Cleveland concerning the number of votes necessary to advance Substitute Senate Bill 5987 to third reading, the President finds and rules as follows:

Senate Rule 64 provides in part that “any bill that creates a new tax shall require the affirmative vote of two-thirds of the senators elected or appointed to advance to third reading”

Setting aside the question of constitutionality, as that question has not been asked, this is the first opportunity to provide guidance to the body on the interpretation and implementation of the rule. The President asks for the body’s patience as he provides an explanation for how he interprets which specific actions trigger the rule.

Rule 64 requires a supermajority vote to advance a bill that “creates a new tax.” The President analyzes and applies this rule to a revenue item by breaking it into a two part test:

1. Is the revenue item a new revenue item? and
2. Is the revenue item a tax?

If the answer to both questions is “yes,” then the rule is triggered and a supermajority vote is required to advance the bill.

Senate Bill 5987 raises the gas tax as well as a number of transportation related fees. Unlike previous initiatives, merely increasing an existing tax or fee does not trigger the new supermajority vote rule. There must be the creation of a new tax.

Additionally, the bill contains some revenue items that are new, but are clearly fees, rather than taxes. The new rule is also not triggered by these items.

As a reminder to the body, the President has a long line of previous rulings differentiating between taxes and fees which the members may find instructive to review. In short, a tax raises revenue for general government purposes, while a fee is charged to a specific class of payors to provide for a specific service or program. The President focuses on the nexus between those paying and the purpose for which the funds are to be used. The tighter the nexus, the more likely the revenue item is a fee. When a tight nexus is lacking, the revenue item is more likely a tax.

Applying the two part test to specific provisions within Substitute Senate Bill 5987, the President finds two provisions that require greater scrutiny.

Section 201 establishes a “freight project fee” to be paid by those with vehicles over ten thousand pounds. Although it is based on weight it is called out separately from the weight fees, and appears to be a new fee created for the first time in the bill. It is a new revenue item, and meets part one of the test.

Turning to whether this “freight project fee” is a tax or a fee, the President looks at whether there is a nexus between those with vehicles over ten thousand pounds and the purpose for which the funds are spent. The bill distributes the funds to a variety of accounts, some of which appear to have a nexus to the fee payors (accounts funding transportation projects), but also broad accounts funding the operations of the state patrol and ferries. Those funds benefit the general public and are not as tightly linked to the fee payors. The lack of a narrow nexus meets part two of the test, and the President finds that this item is a new tax.

Additionally, sections 211 and 212 contain what the bill calls “fee equalization” provisions. Some background on these provisions may be helpful. Under current law, whether or not a person pays a service fee on a report of sale or transitional ownership transaction depends upon who processes the transaction. A “service fee” is currently paid by customers

going through a subagent or the auditor, but not by those purchasing through the department of licensing.

By ensuring that everyone pays the same fee no matter which entity processes the transaction, the class of people who pay the “service fee” is expanded. Because this fee is new for the group of customers who previously purchased these transactions through the department of licensing, this is a new revenue item and meets the first part of the analysis to trigger the supermajority vote rule.

The bill uses the funds paid by these purchasers of reports of sale and transitional ownership transactions to fund ferry vessel replacement. The President finds no nexus between the payors and the purpose for which the funds are spent, making this item a tax, and meeting part two of the analysis.

Finding that Sections 201, 211 and 212 of the bill create new taxes, the President rules that Substitute Senate Bill 5987, in its current form, triggers Senate Rule 64 and thirty-three votes are required to advance the bill from second to third reading.

POINT OF ORDER

Senator Hobbs: “Mr. President, I would like to ask for a ruling as to whether the portions of Rule 64 and other rules that would require two-thirds vote to move from second to third reading are constitutional.”

REPLY BY THE PRESIDENT

President Owen: “Just for the benefit of the body the issue of the constitutionality of the super majority rule has been present since before session began and the President has met with many members and persons interested in the rules and the constitution and anticipation of the likelihood of a challenge the President considered the rules, the various court decisions and heard from several legislative attorneys on this issue and I am prepared to rule at this time.”

RULING BY THE PRESIDENT

President Owen: In ruling upon the point of order raised by Senator Hobbs asserting that the provisions found in Senate Rules 62, 64, and 67, requiring a two-thirds affirmative vote prior to considering certain bills on final passage, the President finds and rules as follows:

The history of supermajority voting requirements is long and complicated. Some originated in the Constitution, some in legislation or initiatives, and, in today’s challenge, in the Senate Rules. Whether a supermajority provision can be upheld depends in part upon the source of the provision, in part on how it operates to affect the progress of legislation before the Senate, and in part upon the authority of the President.

For over twenty years, supermajority voting requirements have been challenged in the courts. Lawsuits have been filed against the state of Washington, two Secretaries of State, and the office of the Lieutenant Governor. Most of those lawsuits were dismissed, but in 2013 the League of Education Voters decision (LEV) found unconstitutional a statute adopted by initiative that required a two-thirds vote on final passage for bills that increased state tax revenue. The court declared that the supermajority requirement violated Article 2, Section 22 of Washington’s constitution, a provision that applies only to the votes required to pass ordinary legislation. (Ordinary legislation is legislation that does not require a supermajority vote for a reason set forth in the constitution.)

The rules being challenged here do not apply to the final passage of a bill, and therefore are not explicitly prohibited by the LEV decision. Instead, they require, in all cases creating a new tax, an affirmative vote of two-thirds of the Senate, prior to the bill being considered on final passage, either initially or on

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concurrence. For the purposes of this Ruling, the President will refer to these as the supermajority provisions. One member supporting these changes accurately described them as an effort to do an “end-around” the Court’s decision in 2013.

Supermajority voting requirements, particularly for procedural matters, are found throughout the Senate Rules, and have been present since the first legislature. (Rule 31 of the 1889 Senate Rules created a supermajority voting requirement in order to change a Special Order of Consideration.) For example, a supermajority vote is usually required to immediately advance a measure from Second to Third Reading, to pass a bill on the same day it is introduced, and to temporarily suspend most of the Senate Rules. These are traditional supermajority voting requirements, and are widely accepted as constitutionally appropriate limits on the rapid exercise of power by a political majority.

These supermajority provisions present a different issue. In contrast to the other procedural supermajority requirements found in the Senate Rules, these “new tax” provisions do not act to slow down legislation; they act to stop legislation that creates a new tax until a two-thirds supermajority can be persuaded to support it. It is important to note that there is no way to avoid this barrier other than to suspend the rules, which coincidentally also requires a two-thirds vote.

It is this unique feature of the supermajority provisions that requires the President to review the Court’s opinion in the LEV case. This is not the first time that the President has considered decisions of the Supreme Court in making his rulings. For example, the President adopted the Court’s decision in *Legislature v. Locke* in prohibiting the inclusion of substantive law in a budget: the Court found such an action unconstitutional, and the President followed the court’s decision, as his duty is to keep the legislature from acting in an unconstitutional manner, and decisions of the Supreme Court help establish those limitations.

Returning to the LEV decision, there is one consistent and repeated theme. It forms the basis for the result in the case. It underlies Reed’s Rules. And that theme is the constitutional right of the majority to pass ordinary legislation.

The LEV Court reaffirmed this principle repeatedly. These are only a few of the Court’s statements:

- The Framers never intended ordinary legislation to require a supermajority vote.
- The language and history of the constitution evince a principle favoring a simple majority vote for legislation.
- More importantly, the framers were particularly concerned with a tyranny of the minority.
- Allowing a supermajority requirement for ordinary legislation alters our system of government.

However, it must be noted once more that the challenged supermajority provisions do not on their face affect a vote on final passage. This is technically correct. However, in order for a functioning majority to pass a new tax under these rules, that majority must obtain the support of eight senators who oppose the measure. Such a process will inevitably alter the legislative result that the majority prefers, as is evident in the Ruling given only a few moments ago. In LEV, in order to pass a single repeal of a tax exemption, the majority needed to pass four additional tax exemptions to gain the support of enough legislators to reach the two-thirds threshold. As the LEV court noted, with a mandatory two-thirds requirement, the constitutional right of a majority to “maintain the effectiveness of their votes” is impaired if not “completely nullified.”

In sum, a two-thirds supermajority procedural requirement for ordinary legislation violates the constitution. It does not matter that the procedural hurdle precedes the vote on final passage. A rule requiring a supermajority procedural vote may constitutionally delay a majority for a reasonable time, as Senate Rules currently provide, but when the rule does not provide that

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majority with a valid means to pass measures in the form the majority intends, the President has no choice but to follow the dictates of the constitution, as he did in following the *Locke* decision, and as he does today.

Finally, the President has repeatedly stated that he does not rule on constitutional questions. This is generally true. Certainly, the President has avoided making such rulings, when the question is not related to a process mandated by the constitution. That reluctance does not apply when the body steps outside the limitations established by the constitution or Supreme Court, either through the adoption of rules or consideration of other legislation in a manner or form that allows the Senate itself to act unconstitutionally. The President has previously stated, “The Senate cannot pass a rule that violates the State Constitution.” Perhaps that statement should be clarified to read, “The Senate may adopt an unconstitutional rule, but the President will not enforce it.”

For these reasons, the provisions found in Senate Rules 62, 64, and 67, requiring a two-thirds affirmative vote prior to considering bills that create new taxes on final passage, violate Article 2, Section 22 of the Washington Constitution, the supermajority provisions regarding new taxes may not be used to prevent SSB 5987 from advancing to Third Reading, and Senator Hobbs’s point is well-taken.”

MOTION

On motion of Senator Fain, further consideration of Engrossed Substitute Senate Bill No. 5987 be deferred and the bill hold its place on the second reading calendar.

PARLIAMENTARY INQUIRY

Senator Rolfes: “It’s my understanding that with the ruling that was just made we may now continue our debate on final passage on ESSB 5987 should the body choose?”

REPLY BY THE PRESIDENT

President Owen: “You may advance the bill to third reading without a supermajority based on the President’s ruling and then debate the issue if you so desire.”

The motion by Senator Fain to defer further consideration of Engrossed Substitute Senate Bill No. 5987 carried by a voice vote.

SECOND READING

SENATE BILL NO. 5491, by Senators Parlette, Hatfield, King, Hargrove, Benton, Pearson, Braun, Rivers, Cleveland, Warnick, Honeyford and Bailey

Maintaining reservations of water for certain future uses.

The measure was read the second time.

MOTION

On motion of Senator Parlette, the rules were suspended, Senate Bill No. 5491 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette and Hatfield spoke in favor of passage of the bill.

Senator McCoy spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5491.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5491 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Honeyford, King, Litzow, Miloscia, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Warnick

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Fraser, Frockt, Habib, Hasegawa, Jayapal, Keiser, Kohl-Welles, Lias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

SENATE BILL NO. 5491, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:03 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 12:30 p.m. by President Owen.

PERSONAL PRIVILEGE

Senator Baumgartner: "Well, I'd like to comment on your recent ruling. Well, thank you Mr. President. With all due respect I'd like to express our disappointment or disagreement with your ruling. You know the intent of what we did when we made that rule is to make new taxes a last resort and I think this body works better when new taxes are the last resort because it forces us to look at reforms to spend money better instead of always being the first move. I'd look at tax increase to look through that legislative process. So, again, we disagree, we're still having a discussion about whether there's a view that you have the constitutional authority to do and make that ruling but the time being we're going to move forward and look at other options in the future. Thank you Mr. President."

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5987, by Senate Committee on Transportation (originally sponsored by Senators King, Hobbs, Fain, Lias and Litzow)

Concerning transportation revenue.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Engrossed Substitute Senate Bill No. 5987 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King, Hobbs, Mullet, Ericksen, Pedersen, Sheldon, Schoesler, Conway, Miloscia, Hatfield and Lias spoke in favor of passage of the bill.

Senators Dansel, Cleveland, Nelson, Jayapal and Hasegawa spoke against passage of the bill.

Senator Ranker spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5987.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5987 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Conway, Dammeier, Darneille, Fain, Hatfield, Hewitt, Hill, Hobbs, Honeyford, King, Lias, Litzow, Miloscia, Mullet, O'Ban, Parlette, Pedersen, Rivers, Schoesler, Sheldon and Warnick

Voting nay: Senators Benton, Billig, Chase, Cleveland, Dansel, Ericksen, Fraser, Frockt, Habib, Hargrove, Hasegawa, Jayapal, Keiser, Kohl-Welles, McAuliffe, McCoy, Nelson, Padden, Pearson, Ranker, Roach and Rolfes

ENGROSSED SUBSTITUTE SENATE BILL NO. 5987, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Owen: "Ladies and gentlemen of the senate. The President would like to respond to an inquiry about walking in front of a Senator when he is or the appropriateness of kneeling in front of a Senator. The Reeds Rules specifically says that a member should not walk between the member who has the floor or the presiding officer. It has been the tradition of the President to see that rule as not interfering in any way between the person who is speaking and the President. Kneeling in front of somebody is still distracting to the person who is speaking, moving about in front and moving papers, etc. is distracting to the person who is speaking. So the President would prefer that you not walk in front and then kneel down thinking that that does not interfere between the person speaking and the President."

SECOND READING

SENATE BILL NO. 5988, by Senators King, Hobbs, Fain, Lias and Litzow

Concerning additive transportation funding and appropriations.

MOTION

On motion of Senator King, Substitute Senate Bill No. 5988 was substituted for Senate Bill No. 5988 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator King moved that the following striking amendment by Senator King be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) An additive transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts

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and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2017.

(2) It is the intent of the legislature that the funding levels specified in LEAP Transportation Document 2015 NL-2 as developed February 10, 2015, represents a commitment to provide appropriations to the agencies, programs, and activities at the amounts identified therein through fiscal year 2031.

(3) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2016" or "FY 2016" means the fiscal year ending June 30, 2016.

(b) "Fiscal year 2017" or "FY 2017" means the fiscal year ending June 30, 2017.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

(h) "TEIS" means the transportation executive information system.

2015-2017 FISCAL BIENNIUM

TRANSPORTATION AGENCIES—OPERATING

NEW SECTION. Sec. 201. FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account—State Appropriation..... \$450,000

The appropriation in this section is subject to the following conditions and limitations: \$450,000 of the motor vehicle account—state appropriation is for the joint transportation committee for the design-build contracting review panel established in chapter ... (Substitute Senate Bill No. 5997), Laws of 2015. The department of transportation must provide technical assistance, as necessary. If chapter ... (Substitute Senate Bill No. 5997), Laws of 2015 is not enacted by June 30, 2015, the amount provided in this subsection lapses.

NEW SECTION. Sec. 202. FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation
..... \$15,000,000

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF LICENSING

Motor Vehicle Account—State Appropriation... \$22,000,000

The appropriation in this section is subject to the following conditions and limitations: \$22,000,000 of the motor vehicle account—state appropriation is provided solely for implementation of chapter ... (Substitute Senate Bill No. 5987) (transportation revenue), Laws of 2015.

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF TRANSPORTATION—ECONOMIC PARTNERSHIPS—PROGRAM K

Transportation Innovative Partnership
Account—State Appropriation \$6,000,000

The appropriation in this section is subject to the following conditions and limitations: \$6,000,000 of the transportation

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innovative partnership account—state appropriation is provided solely for the purpose of capitalizing the Washington electric vehicle infrastructure bank.

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M

Motor Vehicle Account—State Appropriation..... \$6,250,000

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q

Motor Vehicle Account—State Appropriation ... \$3,125,000

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S

Motor Vehicle Account—State Appropriation..... \$200,000

The appropriation in this section is subject to the following conditions and limitations: \$200,000 of the motor vehicle account—state appropriation is provided solely for the helmets to hardhats program state coordinator position at the department to provide veterans with skilled training and employment in the construction industry as required in chapter ... (Substitute Senate Bill No. 5993), Laws of 2015. If chapter ... (Substitute Senate Bill No. 5993), Laws of 2015 is not enacted by June 30, 2015, the amount provided in this subsection lapses.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V

Regional Mobility Grant Program Account—State
Appropriation \$8,750,000

Rural Mobility Grant Program Account—State
Appropriation \$5,625,000

Multimodal Transportation Account—State Appropriation
..... \$16,000,000

TOTAL APPROPRIATION \$30,375,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,687,000 of the multimodal transportation account—state appropriation is provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2015 NL-1 as developed February 23, 2015, Program - Public Transportation Program (V).

(2) \$10,000,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2013 as reported in the "Summary of Public Transportation - 2013" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(3) \$5,625,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(4) \$1,313,000 of the multimodal transportation account—state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools or replace vans; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies must cover capital costs only. Operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department must encourage grant applicants and recipients to leverage funds other than state funds.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

Puget Sound Ferry Operations Account—State Appropriation\$15,625,000

TRANSPORTATION AGENCIES—CAPITAL

NEW SECTION. Sec. 301. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account—State Appropriation\$3,906,000

Freight Mobility Multimodal Account—State Appropriation\$3,906,000

TOTAL APPROPRIATION.....\$7,812,000

NEW SECTION. Sec. 302. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Transportation Improvement Account—State Appropriation\$3,375,000

NEW SECTION. Sec. 303. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation\$1,688,000

County Arterial Preservation Account—State Appropriation\$1,687,000

TOTAL APPROPRIATION.....\$3,375,000

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)

Connecting Washington Account—State Appropriation\$22,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The entire connecting Washington account appropriation is provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2015 NL-1 as developed February 23, 2015, Program - Highway Management and Facilities Program (D).

(2) The department must work with the office of financial management's facilities oversight program to develop a revised predesign for a new Olympic region facility, with an estimated total cost of no more than forty million dollars. Priority must be given to accommodating the maintenance and operations functions of the Olympic region. The department must provide a copy of the revised predesign to the transportation committees of the legislature by December 2015.

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I

Connecting Washington Account—State Appropriation\$177,501,000

Multimodal Transportation Account—State Appropriation\$23,750,000

TOTAL APPROPRIATION.....\$201,251,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account appropriation is provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2015 NL-1 as developed February 23, 2015, Program - Highway Improvements Program (I).

(2) \$17,500,000 of the multimodal transportation account—state appropriation is provided solely for the removal of fish culverts.

(3) \$6,250,000 of the multimodal transportation account—state appropriation is provided solely for storm water retrofits.

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P

Connecting Washington Account—State Appropriation\$76,563,000

The appropriation in this section is subject to the following conditions and limitations: The entire connecting Washington account appropriation in this section is provided solely for the projects and activities as listed in LEAP Transportation Document 2015 NL-1 as developed February 23, 2015, Program - Highway Preservation Program (P).

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W

Connecting Washington Account—State Appropriation\$86,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire connecting Washington account appropriation in this section is provided solely for the projects and activities as listed in LEAP Transportation Document 2015 NL-1 as developed February 23, 2015, Program - Washington State Ferries Capital Program (W).

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y

Multimodal Transportation Account—State Appropriation\$11,310,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for the projects and activities as listed in LEAP Transportation Document 2015 NL-1 as developed February 23, 2015, Program - Rail Program (Y).

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z

Multimodal Transportation Account—State Appropriation\$16,625,000

Connecting Washington Account—State Appropriation\$85,694,000

TOTAL APPROPRIATION\$102,319,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire connecting Washington account appropriation is provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2015 NL-1 as developed February 23, 2015, Program - Local Programs (Z). Counties with a population of two hundred thousand or more and cities with a population of seventy-five thousand or more that receive funding to complete a project or projects on the LEAP Document referenced in this subsection must complete a Baldrige assessment every two years and report the results of the assessment to the department of transportation. The goal for each city and county referenced in this subsection is to achieve a sixty percent score within seven years of the first assessment. The first assessment must be initiated during the 2015-2017 fiscal biennium.

(2) \$3,125,000 of the multimodal transportation account—state appropriation is provided solely for the pedestrian and bicycle safety program.

(3) \$3,500,000 of the multimodal transportation account—state appropriation is provided solely for the safe routes to school program.

(4) \$10,000,000 of the multimodal transportation account—state appropriation is provided solely for the complete streets program.

TRANSFERS AND DISTRIBUTIONS

FIFTIETH DAY, MARCH 2, 2015

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NEW SECTION. Sec. 401. FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS

- (1) State Patrol Highway Account—State Appropriation:
For transfer to the Connecting Washington Account—State \$9,460,000
- (2) Transportation Partnership Account—State
Appropriation: For transfer to the Connecting Washington
Account—State \$4,880,000
- (3) Motor Vehicle Account—State Appropriation:
For transfer to the Connecting Washington Account—
State \$25,160,000
- (4) Puget Sound Ferry Operations Account—State
Appropriation: For transfer to the Connecting Washington
Account—State \$580,000
- (5) Multimodal Transportation Account—State
Appropriation: For transfer to the Connecting
Washington Account—State \$55,000,000
- (6) Transportation 2003 Transportation (Nickel)
Account—State Appropriation: For transfer to the
Connecting Washington Account—State \$59,861,000
- (7) Multimodal Transportation Account—State
Appropriation: For transfer to the Puget Sound
Ferry Operations Account—State \$15,625,000
- (8) Highway Safety Account—State Appropriation:
For transfer to the Multimodal Transportation
Account—State \$91,963,000
- (9) Motor Vehicle Account—State Appropriation:
For transfer to the State Patrol Highway Account—State
..... \$7,500,000
- (10) Motor Vehicle Account—State Appropriation:
For transfer to the Freight Mobility Investment
Account—State \$3,906,000
- (11) Motor Vehicle Account—State Appropriation:
For transfer to the Transportation Improvement
Account—State \$3,375,000
- (12) Motor Vehicle Account—State Appropriation:
For transfer to the Rural Arterial Trust Account—State
..... \$1,688,000
- (13) Motor Vehicle Account—State Appropriation:
For transfer to the County Arterial Preservation
Account—State \$1,688,000
- (14) Multimodal Transportation Account—State
Appropriation: For transfer to the Freight Mobility
Multimodal Account—State \$3,906,000
- (15) Multimodal Transportation Account—State
Appropriation: For transfer to the Regional Mobility
Grant Program Account—State \$8,750,000
- (16) Multimodal Transportation Account—State
Appropriation: For transfer to the Rural Mobility
Grant Program Account—State \$5,625,000
- (17) Multimodal Transportation Account—State
Appropriation: For transfer to the Transportation
Innovative Partnership Account—State \$6,000,000
- (18) Environmental Legacy Stewardship Account—State
Appropriation: For transfer to the Multimodal
Transportation Account—State \$13,000,000

NEW SECTION. Sec. 402. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION TO CITIES AND COUNTIES

- Multimodal Transportation Account—State Appropriation:
For distribution to cities and counties \$23,438,000

The appropriation in this section is subject to the following conditions and limitations: The amount provided must be allocated between cities and counties using proportionate shares that are consistent with the total amount of fuel tax revenue

distributed under RCW 46.68.090 to cities and counties. Funds credited to cities must be allocated under RCW 46.68.110(4). Funds credited to counties must be allocated under RCW 46.68.120(4). Expenditures from these funds may be used only for transportation purposes.

MISCELLANEOUS

Sec. 501. RCW 46.68.030 and 2011 c 171 s 85 are each amended to read as follows:

(1) The director shall forward all fees for vehicle registrations under chapters 46.16A and 46.17 RCW, unless otherwise specified by law, to the state treasurer with a proper identifying detailed report. The state treasurer shall credit these moneys to the motor vehicle fund created in RCW 46.68.070.

(2) Proceeds from vehicle license fees and renewal vehicle license fees must be deposited by the state treasurer as follows:

(a) \$20.35 of each initial or renewal vehicle license fee must be deposited in the state patrol highway account in the motor vehicle fund, hereby created. Vehicle license fees, renewal vehicle license fees, and all other funds in the state patrol highway account must be for the sole use of the Washington state patrol for highway activities of the Washington state patrol, subject to proper appropriations and reappropriations.

(b) \$2.02 of each initial vehicle license fee and \$0.93 of each renewal vehicle license fee must be deposited each biennium in the Puget Sound ferry operations account.

(c) Any remaining amounts of vehicle license fees and renewal vehicle license fees that are not distributed otherwise under this section must be deposited in the motor vehicle fund.

(3) During the 2015-2017 fiscal biennium, the legislature may transfer from the state patrol highway account to the connecting Washington account such amounts as reflect the excess fund balance of the state patrol highway account.

Sec. 502. RCW 46.68.280 and 2003 c 361 s 601 are each amended to read as follows:

(1) The transportation 2003 account (nickel account) is hereby created in the motor vehicle fund. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as transportation 2003 projects or improvements in the omnibus transportation budget and to pay the principal and interest on the bonds authorized for transportation 2003 projects or improvements. Upon completion of the projects or improvements identified as transportation 2003 projects or improvements, moneys deposited in this account must only be used to pay the principal and interest on the bonds authorized for transportation 2003 projects or improvements, and any funds in the account in excess of the amount necessary to make the principal and interest payments may be used for maintenance on the completed projects or improvements.

(2) During the 2015-2017 fiscal biennium, the legislature may transfer from the transportation 2003 account (nickel account) to the connecting Washington account such amounts as reflect the excess fund balance of the transportation 2003 account (nickel account).

(3) The "nickel account" means the transportation 2003 account.

Sec. 503. RCW 46.68.290 and 2006 c 337 s 5 are each amended to read as follows:

(1) The transportation partnership account is hereby created in the state treasury. All distributions to the account from RCW 46.68.090 must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as 2005 transportation partnership projects or improvements in the omnibus transportation appropriations act,

including any principal and interest on bonds authorized for the projects or improvements.

(2) The legislature finds that:

(a) Citizens demand and deserve accountability of transportation-related programs and expenditures. Transportation-related programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

(b) Transportation-related agencies that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars; and

(c) Fair, independent, comprehensive performance audits of transportation-related agencies overseen by the elected state auditor are essential to improving the efficiency, economy, and effectiveness of the state's transportation system.

(3) For purposes of chapter 314, Laws of 2005:

(a) "Performance audit" means an objective and systematic assessment of a state agency or agencies or any of their programs, functions, or activities by the state auditor or designee in order to help improve agency efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.

(b) "Transportation-related agency" means any state agency, board, or commission that receives funding primarily for transportation-related purposes. At a minimum, the department of transportation, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies. The Washington state patrol and the department of licensing shall not be considered transportation-related agencies under chapter 314, Laws of 2005.

(4) Within the authorities and duties under chapter 43.09 RCW, the state auditor shall establish criteria and protocols for performance audits. Transportation-related agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

(5) Within the authorities and duties under chapter 43.09 RCW, the state auditor may conduct performance audits for transportation-related agencies. The state auditor shall contract with private firms to conduct the performance audits.

(6) The audits may include:

(a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources to the transportation-related agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(d) Analysis and recommendations for pooling information technology systems used within the transportation-related agency, and evaluation of information processing and telecommunications policy, organization, and management;

(e) Analysis of the roles and functions of the transportation-related agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the

transportation-related agency carry out reasonably and properly those functions vested in the agency by statute;

(g) Verification of the reliability and validity of transportation-related agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(h) Identification of potential cost savings in the transportation-related agency, its programs, and its services;

(i) Identification and recognition of best practices;

(j) Evaluation of planning, budgeting, and program evaluation policies and practices;

(k) Evaluation of personnel systems operation and management;

(l) Evaluation of purchasing operations and management policies and practices;

(m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel; and

(n) Evaluation of transportation-related project costs, including but not limited to environmental mitigation, competitive bidding practices, permitting processes, and capital project management.

(7) Within the authorities and duties under chapter 43.09 RCW, the state auditor must provide the preliminary performance audit reports to the audited state agency for comment. The auditor also may seek input on the preliminary report from other appropriate officials. Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; the agency's response and conclusions; and identification of best practices.

(8) The state auditor shall provide final performance audit reports to the citizens of Washington, the governor, the joint legislative audit and review committee, the appropriate legislative committees, and other appropriate officials. Final performance audit reports shall be posted on the internet.

(9) The audited transportation-related agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

The office of financial management shall require periodic progress reports from the audited agency until all resolution has occurred. The office of financial management is responsible for achieving audit resolution. The office of financial management shall annually report by December 31st the status of performance audit resolution to the appropriate legislative committees and the state auditor. The legislature shall consider the performance audit results in connection with the state budget process.

The auditor may request status reports on specific audits or findings.

(10) For the period from July 1, 2005, until June 30, 2007, the amount of \$4,000,000 is appropriated from the transportation partnership account to the state auditors office for the purposes of subsections (2) through (9) of this section.

(11) During the 2015-2017 fiscal biennium, the legislature may transfer from the transportation partnership account to the connecting Washington account such amounts as reflect the excess fund balance of the transportation partnership account.

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Sec. 504. RCW 47.60.530 and 2011 1st sp.s. c 16 s 1 are each amended to read as follows:

(1) The Puget Sound ferry operations account is created in the motor vehicle fund.

(2) The following funds must be deposited into the account:

(a) All moneys directed by law;

(b) All revenues generated from ferry fares; and

(c) All revenues generated from commercial advertising, concessions, parking, and leases as allowed under RCW 47.60.140.

(3) Moneys in the account may be spent only after appropriation.

(4) Expenditures from the account may be used only for the maintenance, administration, and operation of the Washington state ferry system.

(5) During the 2015-2017 fiscal biennium, the legislature may transfer from the Puget Sound ferry operations account to the connecting Washington account such amounts as reflect the excess fund balance of the Puget Sound ferry operations account.

NEW SECTION. Sec. 505. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 506. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator King spoke in favor of adoption of the striking amendment.

MOTION

Senator Rolfes moved that the following amendment by Senator Rolfes to the striking amendment be adopted:

On page 1, line 16 of the amendment, after "2031." insert "However, the total amount provided in the LEAP Transportation Document referenced in this subsection for ferry operating account backfill must be increased to \$370,000,000."

Senator Rolfes spoke in favor of adoption of the amendment to the striking amendment.

Senators King and Hobbs spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rolfes on page 1, line 16 to the striking amendment to Substitute Senate Bill No. 5988.

The motion by Senator Rolfes failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Cleveland moved that the following amendment by Senator Cleveland to the striking amendment be adopted:

On page 2, after line 5 of the amendment, insert the following:

NEW SECTION. Sec. 201. FOR THE WASHINGTON STATE TRANSPORTATION COMMISSION

Motor Vehicle Account—State Appropriation \$250,000

The appropriation in this section is subject to the following conditions and limitations: The legislature finds that replacement of the Interstate 5 bridge between Vancouver, Washington and Portland, Oregon is of paramount importance to the safety of our citizens and the economic vitality of the state. It is incumbent upon the legislature, together with all of the stakeholders, to continue to explore a path forward for replacing this critical

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infrastructure. Therefore, the entire appropriation in this section is provided solely for the commission to initiate a collaborative process to reach agreement on the replacement of the Interstate 5 bridge crossing the Columbia river. Working with local and state government officials representing districts whose residents regularly use the bridge in both Oregon and Washington, and other appropriate stakeholders, the commission must retain a recognized neutral third party to lead and facilitate a collaborative planning effort for the purpose of reaching consensus on a process for moving forward with the replacement of the Interstate 5 bridge. The neutral third party retained by the commission must be a recognized and experienced leader in successful alternative dispute resolution and collaborative decision making related to public policy decisions in the Pacific Northwest."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Cleveland spoke in favor of adoption of the amendment to the striking amendment.

Senator King spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Cleveland on page 2, after line 5 to the striking amendment to Substitute Senate Bill No. 5988.

The motion by Senator Cleveland failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Angel moved that the following amendment by Senator Angel to the striking amendment be adopted:

On page 5, line 25 of the amendment, strike "\$177,501,000" and insert "\$187,501,000"

On page 5, line 27 of the amendment, strike "\$201,251,000" and insert "\$210,251,000"

On page 6, after line 4 of the amendment, insert the following:

"(4) \$3,000,000 of the connecting Washington account—state appropriation is provided solely for a corridor congestion study on state route number 16 (Tacoma Narrows bridge to state route number 302).

(5) \$4,000,000 of the connecting Washington account—state appropriation is provided solely for the department to restripe two southbound lanes of state route number 3.

(6) \$3,000,000 of the connecting Washington account—state appropriation is provided solely for the completion of the environmental impact statement for state route number 302 improvements."

Senators Angel and Hobbs spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Angel on page 5, line 25 to the striking amendment to Substitute Senate Bill No. 5988. The motion by Senator Angel carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton to the striking amendment be adopted:

On page 5, line 25 of the amendment, strike "\$177,501,000" and insert "\$237,501,000"

On page 5, line 27 of the amendment, strike "\$201,251,000" and insert "\$261,251,000"

On page 6, after line 4 of the amendment, insert the following:
 "(4) \$60,000,000 of the connecting Washington account—state appropriation is provided solely for the Interstate 5/179th Street Intersection Improvement project."

Senator Benton spoke in favor of adoption of the amendment to the striking amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Benton, the amendment by Senator Benton on page 5, line 25 to the striking amendment to Substitute Senate Bill No. 5988 was withdrawn.

MOTION

Senator Hobbs moved that the following amendment by Senator Hobbs and others to the striking amendment be adopted:

On page 6, line 2 of the amendment, after "culverts.", insert the following:

"The funding in this subsection is intended to support the statewide fish barrier removal strategy. The department, in consultation with the fish passage barrier removal board, shall prioritize removal of the fish passage barriers, which are required under the U.S. District Court injunction C70-9213, that provide the most linear feet of habitat restoration within a watershed."

Senators Hobbs and King spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hobbs and others on page 6, line 2 to the striking amendment to Substitute Senate Bill No. 5988.

The motion by Senator Hobbs carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton to the striking amendment be adopted:

On page 6, line 26 of the amendment, strike "\$11,310,000" and insert "\$14,310,000"

On page 6, line 28 of the amendment, after "limitations:" insert "(1)"

On page 6, after line 31 of the amendment, insert the following:
 "(2) \$3,000,000 of the multimodal account -- state appropriation is provided solely for the Chelatchie Prairie Railroad for repairs and maintenance."

Renumber the remaining sections consecutively and correct any internal references accordingly

Senator Benton spoke in favor of adoption of the amendment to the striking amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Benton, the amendment by Senator Benton on page 6, line 26 to the striking amendment to Substitute Senate Bill No. 5988 was withdrawn.

MOTION

Senator Liias moved that the following amendment by Senator Liias and others to the striking amendment be adopted:

On page 7, line 1 of the amendment, strike "\$85,694,000" and insert "\$90,694,000"

On page 7, line 2 of the amendment, strike "\$102,319,000" and insert "\$107,319,000"

On page 7, line 5 of the amendment, after "(1)" strike "The" and insert "Except as provided otherwise in this section, the"

On page 7, after line 25 of the amendment, insert the following:

"(5) \$5,000,000 of the connecting Washington account—state appropriation is provide solely for preliminary engineering and right-of-way acquisition for the South Lander Street project for the city of Seattle to create grade separation to enhance freight mobility in the SoDo neighborhood."

Senators Liias and King spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Liias and others on page 7, line 1 to the striking amendment to Substitute Senate Bill No. 5988.

The motion by Senator Liias carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senators Benton and Cleveland to the striking amendment be adopted:

On page 7, line 1 of the amendment, strike "\$85,694,000" and insert "\$85,744,000"

On page 7, line 2 of the amendment, strike "\$102,319,000" and insert "\$102,369,000"

On page 7, line 5 of the amendment, after "(1)" strike "The" and insert "Except as provided otherwise in this section, the"

On page 7, after line 25, insert the following:

"(5) \$50,000 of the connecting Washington account—state appropriation is provided solely for the city of Vancouver to be used to improve safety and mobility for the blind at multiple street intersections in the vicinity of the Washington state school for the blind in Vancouver."

Senators Benton, King and Hobbs spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton and Cleveland on page 7, line 1 to the striking amendment to Substitute Senate Bill No. 5988.

The motion by Senator Benton carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton to the striking amendment be adopted:

On page 14, after line 23 of the amendment, strike all of section 506

On page 14, line 30 of the amendment, after "sections;", strike all material through "emergency" and insert "; and making appropriations"

Senators Benton and Padden spoke in favor of adoption of the amendment to the striking amendment.

Senator King spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 14, after line 23 to the striking amendment to Substitute Senate Bill No. 5988.

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The motion by Senator Benton failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator King and others as amended to Substitute Senate Bill No. 5988.

The motion by Senator King carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 46.68.030, 46.68.280, 46.68.290, and 47.60.530; creating new sections; making appropriations; and declaring an emergency."

MOTION

On motion of Senator King, the rules were suspended, Engrossed Substitute Senate Bill No. 5988 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

Senator Hargrove spoke against passage of the bill.

PARLIAMENTARY INQUIRY

Senator Liias: "Mr. President. In my work outside of this body I am an employee of the City of Mukilteo and the bill before the chamber today there's a project for the city that was requested by the economically alliance of Snohomish County. Mr. President, I did not participate in the development of the project nor was I part of the local decision making process that resulted in the request that this project be included in the bill. However, my employer does have an interest in the project as evidenced by the fact that it was requested. My job is not conditioned on the funding of the project nor will my salary be affected by the passage or failure of this bill. Under Senate Rule 22.1 no Senator shall be allowed to vote upon any question upon which he or she is in any way personally or directly interested. By inquiry Mr. President is whether Senate Rule 22 prohibits me from voting on Engrossed Substitute Senate Bill No. 5988?"

REPLY BY THE PRESIDENT

President Owen: "Senator Liias, the President believes that you are not prohibited from voting because you are not personally or directly impacted by the outcome of this bill."

Senators Baumgartner, Hobbs, Rivers, Habib, Becker and Ban spoke in favor of passage of the bill.

Senator Dansel spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5988.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5988 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Conway, Dammeier, Darneille, Fain,

Fraser, Frockt, Habib, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Parlette, Pedersen, Ranker, Rivers, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senators Benton, Cleveland, Dansel, Ericksen, Hargrove, Padden, Pearson and Roach

ENGROSSED SUBSTITUTE SENATE BILL NO. 5988, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator King: "Thank you Mr. President. Well, as much as we'd like to say that those of us that help negotiate these packages did a lot of work. There are other people involved. First, I want to thank Senator Fain, Senator Hobbs and Senator Liias. We had some very tough negotiations, we had some give and take but they were gentlemen all the way through that and I want to thank them for that. But, the people I want to reference and I believe they are here and if we would allow I'd love them to step out from the wings if they would do so and I would ask Jackson and Nick if they would come out. They are two partisan staff and don't hesitate, everybody wants to go to lunch so get out here and do it. So, Jackson, where are you, there he is thank you. And then I would like to ask Kelly and David and Clint and Amanda and Halely and Kim are non-partisan staff. These are the people that really have done the work, they are incredible that in the talent that they bring to this institution. So, let's give them a round of applause. Thank you Mr. President."

MOTION

On motion of Senator Fain, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

At 2:11 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:45 p.m. by the President Pro Tempore Senator Roach presiding.

MOTION

On motion of Senator Habib, Senator Frockt was excused.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Dammeier moved that Colleen Fairchild, Gubernatorial Appointment No. 9047, be confirmed as a member of the Professional Educator Standards Board.

APPOINTMENT OF COLLEEN FAIRCHILD

The President Pro Tempore declared the question before the Senate to be the confirmation of Colleen Fairchild, Gubernatorial Appointment No. 9047, as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Colleen Fairchild, Gubernatorial Appointment No. 9047, as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Absent: Senator Ericksen

Excused: Senator Frockt

Colleen Fairchild, Gubernatorial Appointment No. 9047, having received the constitutional majority was declared confirmed as a member of the Professional Educator Standards Board.

MOTION

On motion of Senator Rivers, Senator Ericksen was excused.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5264, by Senators Bailey, Parlette, Warnick, Keiser, Jayapal and Braun

Creating a silver alert system.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5264 was substituted for Senate Bill No. 5264 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5264 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Bailey spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5264.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5264 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Ericksen and Frockt

SUBSTITUTE SENATE BILL NO. 5264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5202, by Senators Mullet, Fain, Litzow, Billig, Frockt, Keiser and Habib

Regarding the financial education public-private partnership.

MOTIONS

On motion of Senator Mullet, Substitute Senate Bill No. 5202 was substituted for Senate Bill No. 5202 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Mullet, the rules were suspended, Substitute Senate Bill No. 5202 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet and Litzow spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5202.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5202 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senators Dammeier, Dansel, Ericksen and Padden

Excused: Senator Frockt

SUBSTITUTE SENATE BILL NO. 5202, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5557, by Senators Parlette, Conway, Rivers, Dammeier, Becker, Frockt, Schoesler, Keiser, Jayapal, Warnick and Honeyford

Addressing services provided by pharmacists.

MOTION

FIFTIETH DAY, MARCH 2, 2015

2015 REGULAR SESSION

On motion of Senator Parlette, Substitute Senate Bill No. 5557 was substituted for Senate Bill No. 5557 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Parlette moved that the following striking amendment by Senator Parlette be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.43 RCW to read as follows:

For health plans issued or renewed on or after January 1, 2016, benefits shall not be denied for any health care service performed by a pharmacist licensed under chapter 18.64 RCW if (1) the service performed was within the lawful scope of such person's license; (2) the plan would have provided benefits if the service had been performed by a physician licensed under chapter 18.71 or 18.57 RCW, an advanced registered nurse practitioner licensed under chapter 18.79 RCW, or a physician's assistant licensed under chapter 18.71A or 18.57A RCW; and (3) the pharmacist is included in the plan's network of participating providers. The participation of pharmacies in the plan network's drug benefit does not satisfy the requirement that plans include pharmacists in their networks of participating medical providers. This section does not supersede the requirements of RCW 48.43.045.

Sec. 2. RCW 48.43.045 and 2007 c 253 s 12 are each amended to read as follows:

(1) Every health plan delivered, issued for delivery, or renewed by a health carrier on and after January 1, 1996, shall:

(a) Permit every category of health care provider to provide health services or care ~~((for conditions))~~ included in the ~~((basic health plan services))~~ essential health benefits benchmark plan established by the commissioner consistent with RCW 48.43.715, to the extent that:

(i) The provision of such health services or care is within the health care providers' permitted scope of practice; ~~((and))~~

(ii) The providers agree to abide by standards related to:

(A) Provision, utilization review, and cost containment of health services;

(B) Management and administrative procedures; and

(C) Provision of cost-effective and clinically efficacious health services; and

(iii) For the purposes of this subsection, a health plan delivered, issued for delivery, or renewed for a group other than a small group must use a definition of essential benefits authorized by the federal secretary of the department of health and human services to meet the requirements of P.L. 111-148 of 2010, as amended, including any available benchmark option, supplemented as needed to ensure coverage of all ten statutory categories. The reference to the essential health benefits does not create a mandate to cover a service that is otherwise not a covered benefit.

(b) Annually report the names and addresses of all officers, directors, or trustees of the health carrier during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals, unless substantially similar information is filed with the commissioner or the national association of insurance commissioners. This requirement does not apply to a foreign or alien insurer regulated under chapter 48.20 or 48.21 RCW that files a supplemental compensation exhibit in its annual statement as required by law.

(2) The requirements of subsection (1)(a) of this section do not apply to a licensed health care profession regulated under

Title 18 RCW when the licensing statute for the profession states that such requirements do not apply."

Senator Parlette spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Parlette to Substitute Senate Bill No. 5557.

The motion by Senator Parlette carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "pharmacist;" strike the remainder of the title and insert "amending RCW 48.43.045; and adding a new section to chapter 48.43 RCW."

MOTION

On motion of Senator Parlette, the rules were suspended, Engrossed Substitute Senate Bill No. 5557 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Parlette spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5557.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5557 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dassel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senator Frockt

ENGROSSED SUBSTITUTE SENATE BILL NO. 5557, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5974, by Senators Benton, Bailey, Hobbs, Chase, Cleveland, Angel, Hasegawa, Roach, Jayapal, Fraser, McCoy and Hewitt

Requiring the insurance commissioner to review barriers to offering supplemental coverage options to disabled veterans and their dependents.

The measure was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5974 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5974.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5974 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senator Frockt

SENATE BILL NO. 5974, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Keiser: "Thank you Madam President. I just have to say, 'It's really nice to say Madam President. It's been a very long time since my good friend Senator Rosa Franklin stood at that podium to serve as President of the Senate and it's a pleasure. Thank you.'"

PERSONAL PRIVILEGE

Senator Honeyford: "Thank you Madam President. I'm just glad your gavel is not as fast as the previous Madam President."

PERSONAL PRIVILEGE

Senator Keiser: "I would like to give my apologies to the good lady from the eighth district who apparently, I'm sorry, has served as well. Thank you."

PERSONAL PRIVILEGE

Senator Baumgartner: "I just want to say how nice to see someone so tall at the podium. Thank you Madam President."

SECOND READING

SENATE BILL NO. 5072, by Senator Honeyford

Modifying the crime of failing to summon assistance.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5072 was substituted for Senate Bill No. 5072 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5072 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Keiser spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5072.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5072 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Fain, Fraser, Habib, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senators Ericksen and Hargrove

Excused: Senator Frockt

SUBSTITUTE SENATE BILL NO. 5072, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5121, by Senators Kohl-Welles, Rivers, Bailey, Pedersen, Lias, McAuliffe, Frockt, Chase, Keiser and Hatfield

Establishing a marijuana research license.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 5121 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Rivers spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5121.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5121 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Fain, Fraser, Habib, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senators Ericksen, Hargrove and Padden

Excused: Senator Frockt

SENATE BILL NO. 5121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

FIFTIETH DAY, MARCH 2, 2015

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SENATE BILL NO. 5887, by Senators Pearson and Ranker

Lengthening the maximum terms of leases entered into by the director of enterprise services in certain counties. Revised for 1st Substitute: Authorizing longer leases for property at the former Northern State Hospital site.

MOTIONS

On motion of Senator Pearson, Substitute Senate Bill No. 5887 was substituted for Senate Bill No. 5887 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pearson, the rules were suspended, Substitute Senate Bill No. 5887 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Liias spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5887.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5887 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senator Frockt

SUBSTITUTE SENATE BILL NO. 5887, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5438, by Senators King, Hobbs, Dammeier, Rolfes, Hill, Rivers, Liias, Mullet, Billig and Pedersen

Allowing bicycles to stop and proceed through traffic control signals under certain conditions. Revised for 1st Substitute: Allowing bicycles and mopeds to stop and proceed through traffic control signals under certain conditions.

MOTIONS

On motion of Senator King, Substitute Senate Bill No. 5438 was substituted for Senate Bill No. 5438 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 5438 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5438.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5438 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senators Dandel, Honeyford and Padden

Excused: Senator Frockt

SUBSTITUTE SENATE BILL NO. 5438, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5322, by Senators Hatfield, Hobbs and Honeyford

Concerning conservation districts' rates and charges.

MOTIONS

On motion of Senator Hatfield, Substitute Senate Bill No. 5322 was substituted for Senate Bill No. 5322 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 5322 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hatfield and Warnick spoke in favor of passage of the bill.

Senator Darneille spoke on final passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5322.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5322 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Billig, Braun, Chase, Cleveland, Conway, Fain, Fraser, Habib, Hatfield, Hewitt, Hill, Hobbs, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, Parlette, Pearson, Pedersen, Ranker, Rolfes and Warnick

Voting nay: Senators Bailey, Baumgartner, Becker, Benton, Brown, Dammeier, Dandel, Darneille, Ericksen, Hargrove, Hasegawa, Honeyford, O'Ban, Padden, Rivers, Roach, Schoesler and Sheldon

Excused: Senator Frockt

SUBSTITUTE SENATE BILL NO. 5322, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5288, by Senators Braun and Conway

Concerning expiration dates related to real estate broker provisions.

The measure was read the second time.

MOTION

On motion of Senator Braun, the rules were suspended, Senate Bill No. 5288 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Braun spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5288.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5288 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senators Dansel and Ericksen

Excused: Senator Frockt

SENATE BILL NO. 5288, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5903, by Senators Bailey, Braun and Warnick

Restricting certain methods of selling marijuana.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5903 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Hasegawa spoke in favor of passage of the bill.

MOTION

On motion of Senator Rivers, Senator Ericksen was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5903.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5903 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Ericksen and Frockt

SENATE BILL NO. 5903, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5293, by Senators Becker, Keiser, Rivers, Conway, Dammeier, Hobbs, Angel, Frockt, Bailey, Ericksen, Mullet and Benton

Concerning the use of hydrocodone products by licensed optometrists in Washington state.

MOTIONS

On motion of Senator Becker, Substitute Senate Bill No. 5293 was substituted for Senate Bill No. 5293 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Becker, the rules were suspended, Substitute Senate Bill No. 5293 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Becker spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5293.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5293 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Ericksen and Frockt

SUBSTITUTE SENATE BILL NO. 5293, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5165, by Senators Angel and Frockt

Authorizing palliative care in conjunction with treatment or management of chronic or life-threatening illness. Revised for 1st

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Substitute: Authorizing palliative care in conjunction with treatment or management of serious or life-threatening illness.

MOTIONS

On motion of Senator Angel, Substitute Senate Bill No. 5165 was substituted for Senate Bill No. 5165 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Angel, the rules were suspended, Substitute Senate Bill No. 5165 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Angel spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5165.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5165 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Ericksen and Frockt

SUBSTITUTE SENATE BILL NO. 5165, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5171, by Senators Bailey, Conway, Hobbs, Hewitt, Angel, Chase and Rolfes

Concerning the definition of veteran for the purposes of the county veterans assistance fund.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5171 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Bailey spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5171.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5171 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Fain, Fraser, Habib, Hargrove,

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Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Ericksen and Frockt

SENATE BILL NO. 5171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5182, by Senators Dammeier and Liias

Granting fire protection districts and regional fire protection service authorities biennial budget authority.

The measure was read the second time.

MOTION

On motion of Senator Dammeier, the rules were suspended, Senate Bill No. 5182 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dammeier spoke in favor of passage of the bill.

MOTION

On motion of Senator Habib, Senator Nelson was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5182.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5182 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Ericksen, Frockt and Nelson

SENATE BILL NO. 5182, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5210, by Senators Bailey, Conway, Hobbs, Schoesler, Angel, Keiser and Benton

Authorizing an optional life annuity benefit for members of the Washington state patrol retirement system.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5210 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

Senators Bailey and Conway spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5210.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5210 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Frockt and Nelson

SENATE BILL NO. 5210, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5275, by Senators Schoesler, Hargrove, Hill, Sheldon and Hewitt

Concerning tax code improvements that do not affect state revenue collections.

MOTIONS

On motion of Senator Schoesler, Substitute Senate Bill No. 5275 was substituted for Senate Bill No. 5275 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Schoesler, the rules were suspended, Substitute Senate Bill No. 5275 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5275.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5275 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Frockt and Nelson

SUBSTITUTE SENATE BILL NO. 5275, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5455, by Senators Rivers, Parlette, Hatfield and Hobbs

Addressing the delivery of basic firefighter training and testing.

MOTIONS

On motion of Senator Rivers, Substitute Senate Bill No. 5455 was substituted for Senate Bill No. 5455 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rivers, the rules were suspended, Substitute Senate Bill No. 5455 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rivers spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5455.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5455 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Frockt and Nelson

SUBSTITUTE SENATE BILL NO. 5455, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5387, by Senators Pedersen and O'Ban

Creating uniformity in common provisions governing business organizations and other entities.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Senate Bill No. 5387 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pedersen spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5387.

ROLL CALL

FIFTIETH DAY, MARCH 2, 2015

2015 REGULAR SESSION

The Secretary called the roll on the final passage of Senate Bill No. 5387 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Frockt and Nelson

SENATE BILL NO. 5387, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6019, by Senators Padden, Pedersen, Frockt and O'Ban

Addressing adjudicative proceedings by state agencies.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 6019 was substituted for Senate Bill No. 6019 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 6019 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6019.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6019 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Frockt and Nelson

SUBSTITUTE SENATE BILL NO. 6019, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8008, by Senators Hobbs, Roach, Conway, Miloscia, Hatfield, King, Bailey, Keiser, Billig, Padden, Mullet, Ericksen, Frockt, Fraser and McAuliffe

Calling for a National Guard Stryker Brigade stationed on the west coast.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Senate Joint Memorial No. 8008 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8008.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8008 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Frockt and Nelson

SENATE JOINT MEMORIAL NO. 8008, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5348, by Senators Miloscia and Chase

Allowing public agencies to enter into contracts providing for the joint utilization of architectural or engineering services.

MOTIONS

On motion of Senator Miloscia, Substitute Senate Bill No. 5348 was substituted for Senate Bill No. 5348 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Miloscia, the rules were suspended, Substitute Senate Bill No. 5348 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Miloscia spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5348.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5348 and the bill passed the Senate by the following vote:

SUBSTITUTE SENATE BILL NO. 5348, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Chase: “Madam President. I would like to congratulate you on your first full session as President of this body and ask my colleagues to join me in applauding your great job.”

PERSONAL PRIVILEGE

Senator Fain: “I just wanted to add to Senator Chase’s comment and applaud you most of all for being the fastest last line in the state. I think we all appreciate that.”

MOTION

At 5:54 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 a.m. Tuesday, March 3, 2015.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

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5121	Second Reading	14
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5171	Second Reading	17
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5182	Second Reading	17
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5202	Second Reading	12
5202-S	Second Reading	12
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5210	Second Reading	17
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5264	Second Reading	12
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5275	Second Reading	18
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5293	Second Reading	16
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5387	Second Reading	18
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5455	Second Reading	18
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5557	Second Reading	12
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5887	Second Reading	15
5887-S	Second Reading	15
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5903	Second Reading	16
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5974	Second Reading	13
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9144 Dolorita K. Reandean	Confirmed	1
9194 Doris Wood	Confirmed	1
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